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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,544	10/15/2001	Jonathan Liu	9805X3	2446

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EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/976,544

Applicant(s)

LIU ET AL.

Examiner

Dionne N Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-6 is/are allowed.
- 6) ☐ Claim(s) 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 7-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Berstis (US 2001/0034220 A1)**.

Regarding claim 7, in figure 2, the Apparatus of Berstis inherently teaches a method for activating multi-user customized features in a vehicle; In page 8, paragraphs **0091,0092 and 0093**, Berstis teaches a variety of means for entering said vehicle and identifying individual users. In addition to using any one of a Smart Card **1015**, Touch Pad, Number Pad, fingerprint OR picture etc., Berstis also teaches that a user's voice and/or iris pattern may be used for identification by a user interface **28**, which reads on "generating and outputting a current driver identity by an identification system";

Since the Applicant has not recited any distinguishing structure pertaining to the keyless entry system other than being "remote", and since the use of voice or iris pattern identification does not involve a wired or tangible connection, the Examiner has interpreted said means for identification as reading on "at least one *remote* device of a keyless entry system for a vehicle wherein each remote device being capable of generating uniquely-coded transmission for generating a first current driver identity", **also see figures 14,15 and figure 16;**

In **figure 2**, and discussed in **page 3, column 1, paragraph 0043**, Berstis teaches a micro-controller (**20**) located in the vehicle and operatively coupled to an identification system (**28**) for receiving the first current driver identity, the micro-controller having a memory (**22**) for storing the driver identity and for associated preferred settings for a first vehicle subsystem, (any one of **300, 400, 500, 600, 700, 800 OR 900**) and for a second vehicle subsystem (any one of **300, 400, 500, 600, 700, 800 OR 900**) .

In **figures 3-9**, Berstis teaches receiving and processing the preferred settings from memory **22** for the first vehicle subsystem (see any one of vehicle subsystems **300, 400, 500, 600, 700, 800 OR 900**) by the first vehicle subsystem, said first vehicle subsystem being operatively coupled to the micro-controller **20**; and

In **figures 3-9**, Berstis teaches receiving and processing the preferred settings from memory **22** for the second vehicle subsystem (see any one of vehicle subsystems **300, 400, 500, 600, 700, 800 OR 900**) by the second vehicle subsystem, said second vehicle subsystem being operatively coupled to the micro-controller **20**.

Regarding claim 8, Berstis teaches that the first vehicle subsystem includes a locking & security subsystem **800** (also see **page 2, column 2, paragraph 0037; page 8, column 1, paragraph 0085; and page 9, column 1, paragraph 0094 & see page 5, column 1 paragraph 0063, respectively**).

Regarding claim 9, Berstis teaches that the second vehicle subsystem (**figure 4**) includes a climate control subsystem **410**.

Regarding claim 10, Berstis teaches that the second vehicle subsystem (**figure 4**) includes a seating subsystem **420**.

Regarding claim 11, Berstis teaches that the second vehicle subsystem (**figure 6**) includes electronics control subsystem **700**.

Regarding claim 12, Berstis teaches that the second vehicle subsystem (**figure 8**) includes a miscellaneous subsystem (see any other existing subsystem).

Regarding claim 13, in **figure 2**, Berstis teaches a multi-user customized feature activation system in a vehicle comprising: In **page 8, paragraphs 0091,0092 and 0093**, Berstis teaches a variety of means for entering said vehicle and identifying individual users. In addition to using any one of a Smart Card **1015**, Touch Pad, Number Pad, fingerprint, picture etc., Berstis also teaches that a user's voice and/or iris pattern may be used for identification purposes, which reads on "an identification system for generating and outputting a current driver identity";

In **figure 2**, and discussed in **page 3, column 1, paragraph 0043**, Berstis teaches a micro-controller (**20**) located in the vehicle and operatively coupled to an identification system (**28**) for receiving the first current driver identity, the micro-controller having a memory (**22**) for storing the driver identity and for associating the current driver identity with preferred settings for a locking & security subsystem **800**; a climate control subsystem **410**; a seating subsystem **420**; an electronics control subsystem **600**; and a miscellaneous subsystem (see any other existing subsystem), previously stored in the memory **22**; the locking & security vehicle subsystem **800**, climate control vehicle subsystem **410**, seating vehicle subsystem **420**, electronics

control vehicle subsystem **700**, and a miscellaneous vehicle subsystem, each operatively coupled to the vehicle micro-controller **20** (as **illustrated in figures 3-8**) to receive and process the preferred settings for the respective system.

Regarding claim 15, Berstis teaches that the climate control subsystem includes the temperature to maintain inside the vehicle **410**.

Regarding claim 16, Berstis teaches that the electronics control subsystem includes the radio speaker adjustments **710-770**.

Regarding claim 17, Berstis teaches that the miscellaneous subsystem includes preferred vehicle steering wheel position **420**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Berstis (US 2001/0034220 A1)**.

Regarding claim 14, Berstis does not clearly teach that the locking & security subsystem **800** includes the number of doors to unlock and lock. However, **in page 6, column 2, paragraph 0074**, Berstis teaches that in cases where a certain parent always drives with a young child, certain subsystems of the vehicle may be set to specific preferences. In cases where a parent always drives with a young child, the

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location of the child's car-seat or booster-seat within a vehicle typically does not change. Therefore, it would be obvious for one of ordinary skill in the art at the time of the invention to provide a subsystem for locking and unlocking certain doors of the vehicle when this parent is identified, since doing so would permit more easily facilitated securement of the child within a his or her car-seat/booster-seat.

***Allowable Subject Matter***

3. Claims 1-6 are allowed.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne Harvey

  
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